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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,175	02/12/2004	Carlos Reinaldo Vazquez	AKMPT01	3092

7590 03/10/2005
George F. Wallace, Esq.
4611 SW 15TH AVENUE
CAPE CORAL, FL 33914

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,175

Applicant(s)

VAZQUEZ, CARLOS REINALDO

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,14,19 and 23²⁴ is/are rejected.
- 7) ☒ Claim(s) 3,6,9-12,14,16-18,20-22 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith, U. S. Patent 5,890,306.
2. Smith teaches a sign, comprising a housing 15; a cover 16 having at least one cover cutouts 46 and at least one symbol plate 18 adapted to attach to the housing in at least two orientations relative to the housing. The at least two orientations including a first position and a second position that is 90 degrees to the first position; wherein the symbol plate includes a visual representation of at least one symbol. (See figures 2-and See claims 1, lines 9-16). The cover 16 is adapted to attachably engage the housing with the symbol plate disposed between the cover and said housing and when the cover is engaged with the housing the at least one cover cutout is oriented to expose the visual representation of the at least one symbol.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, 14, 19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess et al, U. S. Patent 2,029,221 in view of Smith and Munter et al., U. S. Patent 6,658,774.

Burgess teaches an illuminated display apparatus comprising a housing 10, a cover plate 17 closing the front of the housing, lamps 26 mounted within the housing. Burgess also teaches a front cover 40 having a central cutout or opening and a glass panel 44 over the opening of the cover 40. In addition, Burgess teaches a display sheet 54 positioned between the front cover and the housing 10. Burgess does not teach the display sheet being mounted to the housing in two 90 degree orientations relative to the housing. In addition, Burgess does not teach the display panel having cutout or being stenciled.

Smith teaches an illuminated display comprising a housing, a cover, and display panels 18 wherein the display panels can be mounted within the display in a vertical and horizontal orientation.

Munter et al. teaches an illuminated display comprising a housing 20, a display panel 42 having cutout indicia, and a cover 52. The display taught by Munter is adapted to be mounted in a vertical or horizontal orientation.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Burgess such that the display sheet can be rotated between first position and a second 90 degree position as taught by Smith to provide a means to display the sheet when the housing is vertically or horizontal mounted. In addition, it would have been obvious to one having ordinary skill

Art Unit: 3611

in the art at the time this invention was made to construct the display sheet with cutout indicia as taught by Munter to provide a means to display indicia of a particular color.

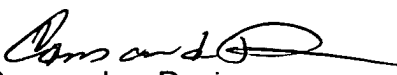
Allowable Subject Matter

5. Claims 3, 6, 9-12, 14, 16-18, 20-22, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
September 30, 2004